

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Casmalia Community Services District,

Complainant,

vs.

Unocal Corporation, also known as Casmite  
Water System,

Defendant.

Case 03-09-001  
(Filed September 2, 2003)

In the Matter of the Application of The Casmite  
Corporation for a Certificate of Public  
Convenience and Necessity to Operate a Public  
Utility System Near Casmalia in the County of  
Santa Barbara and to Establish Rates for Service.

Application No. 03-12-024  
(Filed December 22, 2003)

**ADMINISTRATIVE LAW JUDGE'S RULING  
SETTING JOINT PREHEARING CONFERENCE**

The Prehearing Conference (PHC) in Case (C.) 03-09-001 was commenced on November 25, 2003, and after initial discussions, was recessed pending the filing by defendant of an application for a Certificate of Public Convenience and Necessity (CPCN) for the Casmite Water System. The application has now been filed and assigned proceeding number Application (A.) 03-12-024. The Water Division of the Commission has protested the application.

The PHC in C.03-01-001 will be resumed, and the initial PHC in A.03-12-024 will be held. A joint PHC will be held in both cases at 10:00 a.m., Tuesday, February 17, 2004, in the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California 94102.

**1. Parties to Proceeding**

In C.03-09-001, the Complainant is Casmalia Community Services District. The Defendant is Unocal Corporation, also known as Casmite Water System and The Casmite Corporation. In A.03-12-024, the Applicant is The Casmite Corporation (Casmite) and the Water Division of the Commission is the protestant. All these entities are parties and shall comply with the requirements of this ruling.

**2. Issues to be Addressed**

In C.03-09-001, the issues to be addressed are those set forth in Section 2 of the Administrative Law Judge's Ruling Setting PHC and Hearing on Motion to Stay (Nov. 5, 2003). An additional issue will be whether the stay of C.03-09-001, entered on November 25, 2003, should be continued.

In A.03-12-024, the issues are (1) whether the Commission should grant Casmite a CPCN to operate a public utility water system near the town of Casmite; (2) whether the Commission should authorize Casmite to adopt the proposed rates; (3) whether Casmite has the necessary experience and expertise to operate and maintain the water system; (4) whether the issuance of a CPCN to Casmite would be in the public interest; (5) whether Casmite's proposed rates will be reasonable; (6) whether Casmite has the ability and financial resources to manage and operate the proposed water system; (7) Whether Casmite's application for a CPCN meets the Commission's certification criteria for small water utilities as set forth in Resolution M-4708 (Aug. 28, 1979).

Another issue to be addressed at the PHC is whether both proceedings should be consolidated.

### **3. PHC Statements**

On or before February 11, 2004, the parties shall file and serve PHC statements. Commission's Rules of Practice and Procedure Rule 6.2. PHC statements shall address the issues, need for hearing, schedule, and any matter related to the applicability of Article 2.5 of the Commission's Rules of Practice and Procedure to these proceedings. The parties shall also identify and discuss anything else necessary for an expeditious and efficient completion of these proceedings.

### **4. Service of Pleadings**

Parties should also come to the PHC prepared to discuss the desirability of adopting a rule that service of pleadings in this proceeding shall be by electronic mail, without concurrent service of a paper copy. Rule 2.3(b). If adopted, however, this rule would not vacate the Commission's rules regarding the filing of paper copies, Rule 2.5, or the need to serve paper copies on any party without an electronic mail address.

### **5. Transcripts**

Parties who desire an expedited or daily transcript should advise the Chief Hearing Reporter by telephone at (415) 703-2288 no later than three days prior to the PHC. Questions regarding the time, date, or place for the PHC should be directed to the Calendar Clerk at (415) 703-1203.

**6. Lodging of Letter**

The Commission has received a letter from Ruthanne Tomkins, dated January 14, 2004, concerning these proceedings, attached hereto as Attachment A.

**IT IS SO RULED.**

Dated January 28, 2004, at San Francisco, California

/s/ JOHN THORSON  
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John Thorson  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Setting Joint Prehearing Conference on all parties of record in this proceeding or their attorneys of record.

Dated January 28, 2004, at San Francisco, California.

/s/ ELIZABETH LEWIS  
Elizabeth Lewis

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.